

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ADVANCED MICRO DEVICES, INC., a	)	
Delaware corporation, and AMD	)	
INTERNATIONAL SALES & SERVICE,	)	Civil Action No. 05-441 JJF
LTD., a Delaware corporation,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
INTEL CORPORATION, a Delaware	)	
corporation, and INTEL KABUSHIKI	)	
KAISHA, a Japanese corporation,	)	
	)	
Defendants.	)	

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IN RE:	)	
	)	
INTEL CORPORATION	)	Civil Action No. 05-MD-1717-JJF
	)	
PHIL PAUL, on behalf of himself and all	)	
others similarly situated,	)	
	)	Civil Action No. 05-485-JJF
Plaintiffs,	)	
	)	CONSOLIDATED ACTION
v.	)	
	)	
INTEL CORPORATION,	)	
	)	
	)	
Defendant.	)	

**PROPOSED ORDER ESTABLISHING A CUT OFF DATE FOR DISCOVERY  
NEGOTIATIONS WITH SUBPOENAED THIRD PARTIES**

WHEREAS, in October 2005, Advanced Micro Devices, Inc. and AMD International Sales and Service Ltd. (collectively "AMD") served subpoenas for the production of documents on thirty-two third parties;

WHEREAS, pursuant to the Case Management Order dated May 16, 2006, AMD served thirty-three additional subpoenas, Intel Corporation and Intel Kabushiki Kaisha (collectively “Intel”) served sixty-eight subpoenas and plaintiffs in the consolidated class actions (hereafter “Class Plaintiffs”) served thirty-nine subpoenas on June 23, 2006<sup>1</sup>;

WHEREAS, since October 2005, AMD has engaged in individual negotiations with multiple subpoenaed third parties regarding the production of documents, the creation of custodian lists and search terms, and the parameters of requested transactional data, resulting in the conclusion of discovery protocols and agreements with certain of these third parties;

WHEREAS, many of the subpoenaed third parties seek to make document production pursuant to negotiated discovery protocol and production agreements with all of the parties from whom it received subpoenas;

WHEREAS, AMD, Intel and Class Plaintiffs (collectively “the Parties”) have agreed to organize and attempt in good faith to jointly negotiate regarding the production of documents from each of the subpoenaed third parties and the creation of discovery protocols and production agreements;

WHEREAS, by Order dated May 16, 2006 (amended September 27, 2006), AMD and Intel must exchange documents by March 27, 2007, and the target date for Class Plaintiffs to file their motion for class certification is July 6, 2007, and by Order dated September 27, 2006, the Court established a trial date of April 27, 2009 in Civil Action No. 05-441 JJF; and

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<sup>1</sup> These numbers do not include the subpoenas served on subsidiaries or affiliates of subpoenaed third parties and not all subpoenaed third parties received subpoenas from each of Intel, AMD and the Class Plaintiffs.

WHEREAS, it is in the interest of all the Parties to negotiate in a coordinated manner with the subpoenaed third parties and expedite the production of the subpoenaed third party documents:

NOW THEREFORE, IT IS HEREBY ORDERED:

1. All Parties' negotiations with each of the subpoenaed third parties shall be completed on or before December 21, 2006.
2. With respect to any subpoenaed third party that has not by December 21, 2006, reached agreement with the party or parties from whom it received a subpoena, motion practice may commence on December 22, 2006 (or earlier, if impasse is reached).

ENTERED this  
23<sup>rd</sup> day of October, 2006

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Vincent J. Poppiti (#100614)  
Special Master